

Section 4.16 Alternate Incarceration, Medical MarijuanaCannabis Dispensary Overlay Zone (AM Zone) (Amended 4/2/13)

4.16.1 Purpose

The purpose of the Alternate Incarceration, Medical MarijuanaCannabis Dispensary Overlay Zone (AM Zone) is to provide an overlay zone (floating zone) where alternate incarceration facilities and medical marijuanacannabis dispensaries can be located. The overlay zone will provide conditions and safeguards to protect the public health, safety and welfare of the citizens of Torrington. The overlay zone will guide the development of new alternate incarceration facilities and medical marijuana cannabis dispensaries in Torrington. The intent is to minimize the impact of such development on neighbors and abutters in adjacent more restrictive zones while at the same time recognizing the important services these facilities may provide to the residents of Torrington.

4.16.2 Applicability

This overlay zone may not be applied to any lots located in the Downtown District (DD Zone), -R-6, R10, R-10S, R-15, R-15S, R-25 Zone, R-40, R-60 or R-WP Zones.

4.16.3 Definitions.

Cannabis. Marijuana as defined in Section 21a-240, C.G.S.

Cannabis Establishment. Producer, dispensary facility, cultivator, micro- cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

Cultivator. A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Delivery Service. A person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v,C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Dispensary Facility. Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations

adoptedthereunder.

Food and Beverage Manufacturer. A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Micro-cultivator. A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

Person. An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

Product Manufacturer. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

Product Packager. A person that is licensed to package and label cannabis and cannabis products.

Retailer. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

Transporter. Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

4.16.43 Permitted Uses

The following uses shall be permitted within the overlay zone, in addition to uses allowed within the underlying zone:

A. Alternate Incarceration Facilities.

B. A Medical Marijuana-Cannabis Dispensary licensed by the State of Connecticut.

B.C. Adult-Use cannabis retail establishments

4.16.54 Changes in Use, Enlargement or Expansion

No changes in the approved use, enlargement, expansion of existing structures, or construction of an additional structure shall be permitted on the premises unless: a) approved by the Planning and Zoning Commission under this section or; b) subsequently

as a Special Exception approval. Any application submitted for initial approval, and any change in the approved use, enlargement or expansion for which approval is sought, shall include a statement of the square footage of space to be utilized, the proposed uses of the property in specific terms, and the number of clients to be served and the type of services to be provided. Any approval shall be conditioned upon the information provided in this statement.

4.16.65 Yard and Height, Maximum Impervious Surface Ratio Requirements

Lot width, front yard, side yard, rear yard, maximum height and maximum impervious surface ratio shall be the same as the requirements for the underlying zone.

4.16.7 ~~4.16.6~~ Building and Site Requirements

i.A. All site plans shall be approved by the Planning and Zoning Commission and shall be submitted simultaneously with the application to apply ~~for the~~ an AM overlay Zone;

ii.B. Any improvements to the exterior of existing buildings and all new buildings shall be reviewed by the Architectural Review Committee in accordance with Section 8.5 of the Zoning Regulations. A report of such review from the Architectural Review Committee must be submitted before any approval can be issued;

iii.C. The location of the facility shall be compatible with the neighborhood in terms of traffic, noise, illumination and number of patients/clients served. The facility shall be compatible with its setting in terms of scale, materials and design;

iv.D. In addition to the landscaping requirements contained in Section 5.11 of the Zoning Regulations, the Planning and Zoning Commission may require additional buffering from adjoining uses including but not limited to landscape plantings, fences and earthen berms; and

E. The Planning and Zoning Commission may impose such additional conditions and modifications as it finds necessary to protect the public health, safety and welfare.

F. For all new proposed Adult Use cannabis retail establishment locations, a map shall also be provided, drawn to scale, showing all parcels within 500 feet of the proposed retail establishment which specifically highlights all parcels containing the following uses:

- a. public parks
- b. public playgrounds
- c. schools
- d. recreational facilities
- e. child care centers
- f. libraries

v. The commission may deny applications to apply the AM overlay zone or special exception based on proximity to the above uses above if found to be in conflict with the standards set forth in this section and section 8.2

4.16.8 ~~4.16.7~~ Lighting and Signage

- i.A. Exterior lighting shall be in accordance with Section 5.17 of the Zoning Regulations.
- ii.B. In the AM Zone, one free standing sign at a maximum height of 5 feet and maximum sign area of 20 sq ft shall be allowed.

END OF SECTION 4